

**BOARD OF NURSING
MEETING MINUTES
FEBRUARY 9, 2017**

PRESENT: Paul Abegglen, Peter Kallio, Jodi Johnson, Maria Joseph, Sheryl Krause, Lillian Nolan, Luann Skarlupka

EXCUSED: Cheryl Streeter

STAFF: Dan Williams, Executive Director; Nifty Lynn Dio, Bureau Assistant; and other DSPS Staff

CALL TO ORDER

Sheryl Krause called the meeting to order at 8:02 a.m. A quorum was confirmed.

ADOPTION OF THE AGENDA

Amendments to the Agenda

- *Correct Case Number on Administrative Warning Review to 16 NUR 318*

MOTION: Peter Kallio moved, seconded by Paul Abegglen, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 12, 2017

Amendments to the Minutes

- *Correct Bureau Assistant name in minutes*
- *Page 5 of the minutes, under 'Credentialing Authority Delegations' remove first motion*
- *Page 5 of the minutes: Correct Kallio to Peter Kallio*

MOTION: Luann Skarlupka moved, seconded by Maria Joseph, to approve the minutes of January 12, 2017 as amended. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Monitoring Delegation

MOTION: Luann Skarlupka moved, seconded by Peter Kallio, to adopt the 'Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor' document as presented. Motion carried unanimously.

Credentialing Delegation

MOTION: Peter Kallio moved, seconded by Paul Abegglen, to delegate to the credentialing liaison the authority to approve or deny applications for military equivalency requests. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

NCLEX Pass Rates of Board Approved RN and PN Schools

MOTION: Peter Kallio moved, seconded by Luann Skarlupka, that the Board recognizes the improvement of NCLEX scores by Bryant and Stratton and Herzing Brookfield. Motion carried unanimously.

MOTION: Paul Abegglen moved, seconded by Luann Skarlupka, that Columbia-Mt. Mary and Wisconsin Indianhead Tech College, submit by May 15, 2017 an explanation or analysis of NCLEX pass rates and their plan to meet the NCLEX first time taker pass rate standard. Motion carried unanimously.

MOTION: Paul Abegglen moved, seconded by Peter Kallio, that Marian University and Rasmussen-Green Bay submit by May 15, 2017, an explanation or analysis of NCLEX pass rates, including reasons the plan submitted to the Board last year for improvement was unsuccessful and their plan to meet the NCLEX first time taker pass rate standard. Motion carried unanimously.

MOTION: Peter Kallio moved, seconded by Luann Skarlupka, that Herzing-Madison and Lakeshore Technical College submit by May 15, 2017, an explanation or analysis of NCLEX pass rates, including reasons the 2015 and 2016 plans for improvement submitted to the Board were unsuccessful and their current plan to meet the NCLEX first time taker pass rate standard. Motion carried unanimously.

CLOSED SESSION

MOTION: Luann Skarlupka moved, seconded by Peter Kallio, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85 (1)(b), Stats.); to consider closing disciplinary investigation with administrative warning (ss.19.85(1)(b), Stats. and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and, to confer with legal counsel (s.19.85(1)(g), Stats.). Sheryl Krause, Chair, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Paul Abegglen-yes; Jodi Johnson-yes; Maria Joseph-yes; Peter Kallio-yes; Sheryl Krause-yes; Lillian Nolan-yes; Luann Skarlupka-yes. Motion carried unanimously.

At this time, all external communication contacts will be terminated for purposes of going into Closed Session.

The Board convened into Closed Session at 9:01 a.m.

RECONVENE TO OPEN SESSION

MOTION: Paul Abegglen moved, seconded by Luann Skarlupka, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 12:49 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Peter Kallio moved, seconded by Luann Skarlupka, to affirm all motions made in closed session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)

APPEARANCE: DSPS STAFF AND PETITIONER ATTORNEY BRIAN PURTELL – REVIEW OF ADMINISTRATIVE WARNING WARN00000579/DLSC CASE NO. 16 NUR 318

MOTION: Luann Skarlupka moved, seconded by Lillian Nolan, to rescind the Administrative Warning in the matter of DLSC Case No. 16 NUR 318 (S.B.) and send the matter back to DLSC for further investigation. Motion carried.

(Peter Kallio recused himself for deliberation and voting in the matter of disciplinary proceedings against S.B., DLSC Case No. 16 NUR 318.)

PROPOSED FINAL DECISION AND ORDER: IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST CONNIE J. ZIMMERMAN, L.P.N., RESPONDENT, DHA CASE NO. SPS-16-0063/DLSC CASE NO. 15 NUR 554

MOTION: Paul Abegglen moved, seconded by Peter Kallio, to adopt the Findings of Fact, Conclusions of Law and Proposed Decision and Order in the matter of disciplinary proceedings against Connie Zimmerman, L.P.N., Respondent, DHA Case No. SPS-16-0063/DLSC Case No. 15 NUR 554. Motion carried unanimously.

(Luann Skarlupka recused herself and left the room for deliberation and voting in the matter of disciplinary proceedings against Connie Zimmerman, DLSC Case No. 15 NUR 554.)

DELIBERATION ON CREDENTIALING MATTERS

Brianna Zuleger – Military Equivalence

MOTION: Peter Kallio moved, seconded by Luann Skarlupka, to find that the relevant instruction in connection to Brianna Zuleger’s military service is not substantially equivalent to the instruction required to sit for the NCLEX-PN at this time per Wis. Stat. §441.10(1)(g) and Wis. Admin. Code §N 2.10(2)(f). Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Attorney Amanda Florek

Administrative Warnings

MOTION: Paul Abegglen moved, seconded by Maria Joseph, to issue an Administrative Warning in the following matters:

1. 16 NUR 154 (T.F.C.)
2. 16 NUR 180 (J.A.G.)
3. 16 NUR 180 (L.L.W.)

Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

MOTION: Paul Abegglen moved, seconded by Peter Kallio, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:

1. 16 NUR 127 (K.L.G.)
2. 16 NUR 187 (E.M.Z.)

Motion carried unanimously.

DLSC Attorney Kim Kluck***Administrative Warnings***

MOTION: Paul Abegglen moved, seconded by Peter Kallio, to issue an Administrative Warning in the following matters:

1. 16 NUR 513 (C.L.A.)
2. 16 NUR 541 (E.K.L.)
3. 16 NUR 629 (P.A.S.)

Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

MOTION: Paul Abegglen moved, seconded by Peter Kallio, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:

1. 15 NUR 626 (L.A.L.)
2. 15 NUR 633 (P.L.K.)
3. 16 NUR 335 (E.M.R.)
4. 16 NUR 394 (D.W.M.)
5. 16 NUR 404 (P.D.V.)
6. 16 NUR 625 (P.Z.W.)

Motion carried unanimously.

14 NUR 515 – D.M.M.

MOTION: Luann Skarlupka moved, seconded by Paul Abegglen, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against D.M.M., DLSC Case No. 14 NUR 515. Motion carried unanimously.

(Sheryl Krause recused herself and left the room for deliberation and voting in the matter of disciplinary proceedings against D.M.M., DLSC Case No. 15 NUR 515.)

16 NUR 263 – T.D.S.

MOTION: Paul Abegglen moved, seconded by Peter Kallio, to table the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against T.D.S., DLSC Case No. 16 NUR 263. Motion carried unanimously.

Case Closures

MOTION: Paul Abegglen moved, seconded by Peter Kallio, to close the DLSC cases for the reasons outlined below:

1. 16 NUR 019 – Insufficient Evidence
2. 16 NUR 090 – Insufficient Evidence
3. 16 NUR 338 – Prosecutorial Discretion (P2)
4. 16 NUR 378 – Prosecutorial Discretion (P1)
5. 16 NUR 402 – Insufficient Evidence
6. 16 NUR 448 – No Violation
7. 16 NUR 511 – No Violation
8. 16 NUR 582 – Prosecutorial Discretion (P2)

Motion carried unanimously.

Monitoring***Pamela Hadlock, R.N. – Requesting Full Licensure***

MOTION: Lillian Nolan moved, seconded by Paul Abegglen, to grant the request of Pamela Hadlock for full licensure. Motion carried unanimously.

Monica Stout, R.N. – Requesting Full Licensure

MOTION: Peter Kallio moved, seconded by Paul Abegglen, to deny the request of Monica Stout for full licensure. **Reason for Denial:** Failure to demonstrate continuous and successful compliance (i.e. missed check-ins, missed tests, and late tests). Respondent needs to fully comply with the complete terms and conditions of the original Board Order (01/08/2015). Motion carried unanimously.

Coreen Elliott, R.N. – Requesting Full Licensure

MOTION Peter Kallio moved, seconded by Luann Skarlupka, to deny the request of Coreen Elliott for full licensure **Reason for Denial:** Failure to demonstrate continuous and successful compliance (i.e. errors in documentation). Respondent needs to fully comply with the complete terms and conditions of the original Board Order (08/16/2012) for one (1) full year. Motion carried unanimously.

MOTION: Peter Kallio moved, seconded by Luann Skarlupka, to refer Coreen Elliott to DLSC for further investigation into the recent termination related to narcotic documentation. Motion carried unanimously.

Gwendolyn Jeffro, L.P.N. – Requesting Full Licensure

MOTION: Lillian Nolan moved, seconded by Peter Kallio, to grant the request of Gwendolyn Jeffro for full licensure. Motion carried unanimously.

Hedy Klinger, R.N. – Requesting Termination of Direct Supervision

MOTION Luann Skarlupka moved, seconded by Jodi Johnson, to deny the request of Hedy Klinger for termination of direct supervision. **Reason for Denial:** Respondent needs to practice nursing under the conditions of the current Board Order (02/26/2009) before the Board will consider amending requirements. Motion carried unanimously.

Melissa Owens, R.N. – Requesting Reduction in Drug Screens and Termination of Direct Supervision

MOTION: Peter Kallio moved, seconded by Lillian Nolan, to grant the request of Melissa Owens for termination of direct supervision in her current position at her current employer and deny the request for reduction in drug screens. **Reason for Denial:** Failure to demonstrate continuous and successful compliance (i.e. missed check-ins, missed tests, and late tests). Respondent needs to fully comply with the complete terms and conditions of the original Board Order (10/08/2015). Motion carried unanimously.

Matthew Staudinger, R.N. – Requesting Reduction in Drug Screens and Termination AA/NA

MOTION Lillian Nolan moved, seconded by Luann Skarlupka, to deny the request of Matthew Staudinger for reduction in drug screens and termination of AA/NA log and work-setting restrictions. **Reason for Denial:** Insufficient time under the Board Order (01/05/2016) to demonstrate adequate compliance. Motion carried unanimously.

Michael Tomkowiak, R.N. – Requesting Reduction in Drug Screens and AA/NA and Termination of Direct Supervision

MOTION Peter Kallio moved, seconded by Paul Abegglen, to grant the request of Michael Tomkowiak for reduction in drug screens to 36 per year and 1 hair test and termination of direct supervision, and deny the request for reduction in AA/NA meetings. **Reason for Denial:** Respondent needs to practice nursing under the conditions of the modified Board Order before the Board will consider amending other requirements. Motion carried unanimously.

ADJOURNMENT

MOTION: Peter Kallio moved, seconded by Paul Abegglen, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:12 p.m.